

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

PATRICK TRACY,	:	CIVIL ACTION NO. 1:CV-06-1793
	:	
Petitioner	:	(Judge Conner)
	:	
v.	:	
	:	
JONATHAN MINER,	:	
	:	
Respondent	:	

ORDER

AND NOW, this 26th day of January, 2007, upon consideration of the report of the magistrate judge (Doc. 4), to which petitioner has filed objections (see Doc. 5), recommending that the motion to proceed *in forma pauperis* (Doc. 2) be granted solely for the purpose of filing this petition, see 28 U.S.C. § 1915, and that the petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 be dismissed for lack of jurisdiction, and, following an independent review of the record, the court finding that petitioner has not demonstrated that the remedies available to him in a § 2255 motion are inadequate or ineffective, see 28 U.S.C. § 2255 (“An application for a writ of habeas corpus [on] behalf of a prisoner . . . shall not be entertained . . . unless it also appears that the remedy by motion is inadequate or ineffective to test the legality of his detention.”); In re Dorsainvil, 119 F.3d 245, 251 (3d Cir. 1997), it is hereby ORDERED that:

1. The report and recommendation of the magistrate judge (Doc. 4) is ADOPTED.
2. The motion to proceed *in forma pauperis* (Doc. 2) is GRANTED for the purpose of filing this petition. See 28 U.S.C. § 1915.

3. The petition for writ of habeas corpus (Doc. 1) is DISMISSED for lack of jurisdiction. See 28 U.S.C. § 2255.
4. The Clerk of Court is directed to CLOSE this file.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge